

**TEMPORARY** **NO. 72715T**  
**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 09 2005

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed MAR 12 1992 under 57238

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The applicant **ConAgra, Inc.** hereby make application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Permit 29511 (Certificate 10559)**

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1. The source of water is **Underground**
2. The amount of water to be changed **1.56 c.f.s., 700 g.p.m., 473.31 AFY**
3. The water to be used for **Industrial and domestic**
4. The water heretofore permitted for **Same**
5. The water is to be diverted at the following point of diversion under **Permit 57241** as shown on map filed **March 12, 1992 under Permit 57238**, **Production Well 47C-1, NE ¼ of SE ¼ of SW ¼, Section 1, T22N, R26E, M.D.B.&M., having a bearing of S 09°07'48" E, 1105.36' to the S ¼ corner of said Section 1.**
6. The existing permitted point of diversion is located within **The SE ¼ of the NW ¼ of Section 12, T22N, R26E, M.D.B.&M., from which the W ¼ corner of said Section 12 bears S 75°39'28"W, a distance of 2,719.68 feet. See map under Permit 29506**
7. Proposed place of use **160 acres – NE ¼ of NW ¼, SE ¼ of NW ¼, SW ¼ of NW ¼, NE ¼ of SW ¼, Section 12, T22N, R26E, M.D.M. See map 44643.**
8. Existing place of use **within the NE ¼ of Section 11, T22N, R26E, M.D.B. & M. See map 29506.**
9. Use will be from **June 1 to October 31** of each year.
10. Use was permitted from **June 1 to October 31** of each year.
11. Description of proposed works **Existing well and pump under permit 57241.**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **N/A**

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15. Remarks: Due to the pumping of the resource by Brady Power Partners, the water level has dropped below the Applicant's wells. This application is to change, on a temporary basis, Applicant's point of diversion to one of Brady Power Partners' wells so fluid can be supplied to Applicant during the 2005 onion drying season. This Application is without prejudice to all of Applicant's contract and other rights.

By Robert W. Marshall, Agent  
 s/ Robert W. Marshall  
 P.O. Box 2790  
 Reno, NV 89505

Compared mt/gkl lt/sam

Protested \_\_\_\_\_

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#### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of the waters of an underground geothermal source as heretofore granted under permit 29511, Certificate 10559, is issued subject to the terms and conditions imposed in said permit 29511, Certificate 10559. No other rights on the source are affected by the change proposed herein.

It is also understood that this right must allow for a reasonable decrease in reservoir pressure and heat. The well shall be constructed and maintained to prevent any waste of the geothermal fluid above or below the surface. The producing well discharge shall be closely monitored and recorded.

The annulus of any well drilled under this temporary permit is to be cemented from the top of the producing or injection interval to surface to prevent waste and to prevent any communication with fresh ground water. Only geothermal waters are to be diverted under this temporary permit and the cooled geothermal fluids are to be returned to the source via the injection well.

This temporary permit does not relieve the operator of the requirements of any other state, local or federal agency. This temporary permit does not extend the permittee the right of ingress or egress on public or private lands.

This temporary appropriation permit allows for a total consumptive use of the geothermal fluid not to exceed **473.31** acre-feet annually. The State Engineer reserves the right to make findings regarding the consumptive use of the geothermal fluid under this temporary permit and impose additional conditions thereto.

This temporary permit is issued subject to the terms and conditions imposed by State Engineer ruling Number 3894 dated June 26, 1992, and is subject to the Agreements executed by and between Gilroy Foods Inc and Brady Hot Springs Geothermal Associates dated December 18, 1987, and by and between Gilroy Foods Inc and Nevada Geothermal Power Partners, Limited Partnership dated February 1, 1991.

This temporary permit is issued with the understanding that the Monitoring Plan, which is Exhibit A of the Stipulation dated June 21, 1996, by and between Brady Power Partners and Gilroy Foods Inc., will continue to be implemented. Any modifications of the reservoir-monitoring program shall be approved by the State Engineer, the Nevada Division of Minerals and the Nevada Division of Environmental Protection.

The total combined withdrawal and consumptive use of geothermal fluid under these temporary permits 72710-T, 72711-T, 72712-T, 72713-T, 72714-T and 72715-T shall not exceed **1,489.62** acre-feet per season.

(Continued on Page 3)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on October 31, 2005 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.56 cubic feet per second, not to exceed 473.31 acre-feet seasonally.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

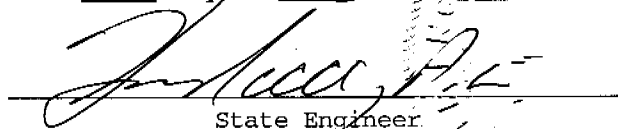
**TEMPORARY**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 19th day of July A.D. 2005

  
State Engineer